

### REMARKS

Applicant and Applicant's attorneys express appreciation to the Examiner for the courtesies extended during the recent interview held on November 14, 2005. Reconsideration and allowance of the above-identified application are now respectfully requested.

Claims 1-22 remain pending in the application, wherein claims 1, 4-6, 13 and 16 have been amended and new claims 21-22 were added.

As indicated by the Interview Summary, the proposed amendments to claims 1, 13 and 16 discussed during the Examiner Interview appear to define over the prior art of record. Claim 1, as amended, now recites a sludge harvester that is specifically designed to break up, capture and transport a sludge layer containing mammalian fecal matter (*e.g.*, hog waste). None of the cited references, alone or in combination, teaches or suggests a sludge harvester having the combination of features recited in amended claim 1.

Staples and Bernard both lack structure corresponding to the "means for transporting captured sludge containing mammalian fecal matter to a location external to [the] frame [of the harvester]". An exemplary means for transporting captured sludge is illustrated by output line 320 shown in Figure 3 and described at paragraph [0032] of the present application. Staples and Bernard do not provide any teaching or suggestion regarding transporting captured material of any kind to a location external of the disclosed devices, let alone sludge containing mammalian fecal matter, which can be thick, viscous and heavy.

Borns likewise fails to teach or suggest means for transporting captured sludge containing mammalian fecal matter. Borns discloses a device for breaking up clathrate and sediment from a sea floor in order to harvest hydrocarbons trapped therein. Col. 5, lines 34-39. The hydrocarbons, which comprise gaseous materials such as methane, propane, isopropane, butane, isobutene, pentane and isomers of pentane, are captured by means of a conduit 100. Col. 5, lines 44-59. Solid particulates may initially rise with the gas but are then separated and fall back to the sea floor. Col. 6, lines 48-65. The conduit 100 is not designed to transport anything but hydrocarbons trapped in clathrates to the sea surface. The heavier sediments fall back to the sea floor and are not raised to the sea surface. The conduit 100 therefore does not appear to be useful in transporting captured sludge containing mammalian fecal matter to the sea surface.

In view of the foregoing, Applicant submits that claim 1 as amended is patentable over the art of record. Claims 2-12 are likewise patentable over the art of record for at least those reasons given above with respect to claim 1.

Claim 13 alternatively claims a sludge harvester having a combination of elements that are neither taught nor suggested in the cited art. Claim 13 as amended recites "at least one suctioning pump designed and positioned so as to capture at least a portion of a broken up sludge layer". Support for a "suctioning pump" is inherent from the disclosure of the input and output lines 320 connected to the pump 108 shown in Figure 3 and described at paragraph [0033]. Because the pump is described as being able to pump up to 200 gallons per minute, there is an input into which the sludge is drawn (*i.e.*, by suction) and an output through which the suctioned material is expelled (*i.e.*, under pressure). Thus, the sludge harvester may include a "suctioning pump" to capture the sludge, as recited in claim 13. None of the cited references provides a "suctioning pump designed and positioned so as to capture at least a portion of a broken up sludge layer". For this reason, Applicant submits that claim 13 as amended is patentable over the art of record, as are claims 14-20, which depend from claim 13.

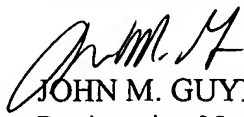
New claim 21 has been added to recite a sludge harvester essentially as defined in original claim 4, which the Office Action indicates defines patentable subject matter (*i.e.*, a sludge harvester that includes a "pump designed to pump about 200 gallons per minute or less during use"). New claim 22 is similar to claim 21, but omits means-plus-function language in favor of the structural language recited in original claim 13.

New Figure 1C was added at the suggestion of the Examiner to schematically show an "auger" as recited in original claims 5 and 13. A brief description of this drawing was added to the specification.

In view of the foregoing, Applicants submit that the claims as now presented are in allowable form. In the event the Examiner finds any remaining impediment to the prompt allowance of this application, which may be clarified through a telephone interview or that may be overcome by examiner amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 18<sup>th</sup> day of November 2005.

Respectfully submitted,

  
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**AMENDMENTS TO THE DRAWINGS**

The attached sheet of drawings includes new Figure 1C, which is being added at the suggestion of the Examiner to show a sludge harvester device that schematically includes an auger as recited in original claims 5 and 13.

Attachment: New Sheet that includes new Figure 1C